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HOUSE BILL 2015

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Schual-Berke, McIntire, Cody, Morrell and Kenney

Read first time 02/05/2007. Referred to Committee on Health Care & Wellness.

1            AN ACT Relating to genetic counselors; amending RCW 18.130.040;  
2 adding a new chapter to Title 18 RCW; creating a new section; and  
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7            (1) "Advisory committee" means the advisory committee on genetic  
8 counseling established in section 5 of this act.

9            (2) "Collaborative agreement" means a written document that  
10 memorializes a relationship between a genetic counselor and a physician  
11 licensed under chapter 18.71 RCW or an osteopathic physician licensed  
12 under chapter 18.57 RCW that authorizes a genetic counselor to perform  
13 specified functions within the practice of genetic counseling.

14            (3) "Department" means the department of health.

15            (4) "Genetic counselor" means an individual who is licensed to  
16 engage in the practice of genetic counseling under this chapter.

17            (5) "Practice of genetic counseling" means a communication process,  
18 conducted by one or more appropriately trained individuals in

1 consultation with a physician licensed under chapter 18.71 RCW or an  
2 osteopathic physician licensed under chapter 18.57 RCW to the extent  
3 outlined in the terms of a collaborative agreement, that includes:

4 (a) Estimating the likelihood of occurrence or recurrence of a  
5 birth defect or of any potentially inherited or genetically influenced  
6 condition. This assessment may involve:

7 (i) Obtaining and analyzing a complete health history of the person  
8 and family;

9 (ii) Reviewing pertinent medical records;

10 (iii) Evaluating the risks from exposure to possible mutagens or  
11 teratogens; and

12 (iv) In collaborative agreement with a physician licensed under  
13 chapter 18.71 RCW or osteopathic physician licensed under chapter 18.57  
14 RCW, recommending or ordering genetic tests pursuant to the terms of  
15 the collaborative agreement or recommending other evaluations to  
16 diagnose a condition or determine the carrier status of one or more  
17 family members;

18 (b) Helping the individual, family, health care provider, or  
19 public:

20 (i) Appreciate the medical and psychosocial implications of a  
21 disorder, including its features, variability, usual course, and  
22 management options;

23 (ii) Learn how genetic factors contribute to the disorder and  
24 affect the chance for recurrence of the condition in other family  
25 members;

26 (iii) Understand available options for coping with, preventing, or  
27 reducing the chance of occurrence or recurrence of a condition;

28 (iv) In collaborative agreement with a physician licensed under  
29 chapter 18.71 RCW or osteopathic physician licensed under chapter 18.57  
30 RCW, select the most appropriate, accurate, and cost-effective methods  
31 of diagnosis;

32 (v) Understand genetic or prenatal tests, coordinate testing for  
33 inherited disorders, and interpret complex genetic test results; and

34 (c) Facilitating an individual's or family's:

35 (i) Exploration of the perception of risk and burden associated  
36 with the disorder;

37 (ii) Decision making regarding testing or medical interventions

1 consistent with their beliefs, goals, needs, resources, cultural,  
2 ethical, and moral views; and

3 (iii) Adjustment and adaptation to the condition or their genetic  
4 risk by addressing needs for psychosocial and medical support.

5 (6) "Secretary" means the secretary of health.

6 NEW SECTION. **Sec. 2.** In addition to any other authority, the  
7 secretary has the authority to:

8 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
9 chapter;

10 (2) Establish all licensing, examination, and renewal fees in  
11 accordance with RCW 43.70.110 and 43.70.250;

12 (3) Establish forms and procedures necessary to administer this  
13 chapter;

14 (4) Issue licenses to applicants who have met the education,  
15 training, and examination requirements for obtaining a license and to  
16 deny a license to applicants who do not meet the requirements;

17 (5) Hire clerical, administrative, investigative, and other staff  
18 as needed to implement this chapter to serve as examiners for any  
19 practical examinations;

20 (6) Determine minimum education requirements and evaluate and  
21 designate those educational programs from which graduation will be  
22 accepted as proof of eligibility to take a qualifying examination for  
23 applicants for obtaining a license;

24 (7) Establish practice parameters consistent with the practice of  
25 genetic counseling as defined in section 1 of this act and considering  
26 developments in the field, with the advice and recommendations of the  
27 advisory committee;

28 (8) Prepare, grade, and administer, or determine the nature of, and  
29 supervise the grading and administration of examinations for obtaining  
30 a license;

31 (9) Determine whether alternative methods of training are  
32 equivalent to formal education, and establish forms, procedures, and  
33 criteria for evaluation of an applicant's alternative training to  
34 determine the applicant's eligibility to take any qualifying  
35 examination;

36 (10) Determine which states have licensing requirements equivalent

1 to those of this state, and issue licenses to applicants licensed in  
2 those states without examination;

- 3 (11) Define and approve any experience requirement for licensing;
- 4 (12) Adopt rules implementing a continuing competency program;
- 5 (13) Maintain the official department record of all applicants and  
6 license holders; and
- 7 (14) Establish by rule the procedures for an appeal of an  
8 examination failure.

9 NEW SECTION. **Sec. 3.** Nothing in this chapter shall be construed  
10 to prohibit or restrict:

11 (1) An individual who holds a credential issued by this state,  
12 other than as a genetic counselor, to engage in the practice of that  
13 occupation or profession without obtaining an additional credential  
14 from the state. The individual may not use the title genetic counselor  
15 unless licensed as such in this state;

16 (2) The practice of genetic counseling by a person who is employed  
17 by the government of the United States while engaged in the performance  
18 of duties prescribed by the laws of the United States;

19 (3) The practice of genetic counseling by a person who is a regular  
20 student in an educational program approved by the secretary, and whose  
21 performance of services is pursuant to a regular course of instruction  
22 or assignments from an instructor and under the general supervision of  
23 the instructor;

24 (4) The infrequent and irregular practice of genetic counseling by  
25 any provider who only provides occasional services in the state in his  
26 or her capacity as an employee of an organization from outside the  
27 state provided that the provider holds a license in another state or  
28 territory in which he or she resides or has met alternative  
29 requirements established by the secretary; or

30 (5) The practice of genetic counseling by a person who is  
31 practicing under the general supervision of a genetic counselor in a  
32 genetic counseling training site while gathering logbook cases for the  
33 purpose of meeting licensing requirements.

34 NEW SECTION. **Sec. 4.** The secretary shall issue a license to any  
35 applicant who demonstrates to the satisfaction of the secretary that  
36 the applicant meets the following requirements:

1 (1) Graduation from a master's or doctorate program in genetic  
2 counseling or medical genetics approved by the secretary;

3 (2) Successful completion of any clinical experience requirements  
4 established by the secretary; and

5 (3) Successful completion of an examination administered or  
6 approved by the secretary.

7 NEW SECTION. **Sec. 5.** (1) The advisory committee on genetic  
8 counseling is established consisting of five members appointed by the  
9 secretary. The membership consists of three members who are genetic  
10 counselors, one member who is a licensed health care provider with  
11 genetic expertise, and one member of the public. Initial terms of the  
12 members must be staggered and then are three-year terms. The advisory  
13 committee shall meet at the times and places designated by the  
14 secretary. Each member of an advisory committee shall be reimbursed  
15 for travel expenses as authorized in RCW 43.03.050 and 43.03.060. In  
16 addition, members of the committee shall be compensated in accordance  
17 with RCW 43.03.240 when engaged in the authorized business of the  
18 advisory committee.

19 (2) The department may seek the advice and assistance of the  
20 advisory committee in administering this chapter, including:

21 (a) Advice and recommendations regarding the establishment or  
22 implementation of rules related to the administration of this chapter;

23 (b) Advice and recommendations regarding developments in the  
24 practice of genetic counseling;

25 (c) Advice, recommendations, and consultation regarding case  
26 disposition guidelines and priorities related to unprofessional conduct  
27 cases regarding the practice of genetic counseling;

28 (d) Assistance and consultation of individual committee members as  
29 needed in the review, analysis, and disposition of reports of  
30 unprofessional conduct and consumer complaints; and

31 (e) Assistance and recommendations regarding any continuing  
32 competency program administered under the provisions of this chapter.

33 NEW SECTION. **Sec. 6.** (1) The date and location of examinations  
34 must be established by the secretary. Applicants who have been found  
35 by the secretary to meet the other requirements for obtaining a license

1 must be scheduled for the next examination following the filing of the  
2 application. The secretary shall establish by rule the examination  
3 application deadline.

4 (2) The secretary or the secretary's designees shall examine each  
5 applicant, by means determined most effective, on subjects appropriate  
6 to the scope of practice, as applicable. The examinations must be  
7 limited to the purpose of determining whether the applicant possesses  
8 the minimum skill and knowledge necessary to practice competently.

9 (3) The examination papers, all grading of the papers, and the  
10 grading of any practical work shall be preserved for a period of not  
11 less than one year after the secretary has made and published the  
12 decisions. All examinations must be conducted under fair and wholly  
13 impartial methods.

14 (4) Any applicant failing to make the required grade in the first  
15 examination may take up to three subsequent examinations as the  
16 applicant desires upon prepaying a fee determined by the secretary  
17 under RCW 43.70.250 for each subsequent examination. Upon failing four  
18 examinations, the secretary may invalidate the original application and  
19 require remedial education before the person may take future  
20 examinations.

21 (5) The secretary may approve an examination prepared or  
22 administered by a private testing agency or association of licensing  
23 agencies for use by an applicant in meeting the credentialing  
24 requirements.

25 NEW SECTION. **Sec. 7.** Applications for licensing must be submitted  
26 on forms provided by the secretary. The secretary may require any  
27 information and documentation that reasonably relates to the need to  
28 determine whether the applicant meets the criteria for licensing  
29 provided for in this chapter and chapter 18.130 RCW. Each applicant  
30 shall pay a fee determined by the secretary under RCW 43.70.250. The  
31 fee must accompany the application.

32 NEW SECTION. **Sec. 8.** The secretary may grant a license without  
33 examination for those applicants who have practiced genetic counseling  
34 in Washington for five of the six years prior to the effective date of  
35 this section and who have provided genetic counseling services in an

1 established practice. This section applies only to those individuals  
2 who apply within one year of the effective date of this section.

3 NEW SECTION. **Sec. 9.** The secretary shall establish by rule the  
4 requirements and fees for renewal of a license. Failure to renew the  
5 license invalidates the license and all privileges granted by the  
6 license. If a license has lapsed for a period longer than three years,  
7 the person shall demonstrate competence to the satisfaction of the  
8 secretary by completing continuing competency requirements or meeting  
9 other standards determined by the secretary.

10 NEW SECTION. **Sec. 10.** The secretary may grant a provisional  
11 license to a person who has met all of the requirements for obtaining  
12 a license except for the successful completion of an examination. A  
13 provisional license must be renewed annually. The secretary may grant  
14 a provisional license to a person up to four times. A provisional  
15 license holder may only practice genetic counseling under the  
16 supervision of either a licensed genetic counselor, a physician  
17 licensed under chapter 18.71 RCW, or osteopathic physician licensed  
18 under chapter 18.57 RCW with a current certification in clinical  
19 genetics issued by an organization approved by the secretary.

20 NEW SECTION. **Sec. 11.** An applicant holding a license in another  
21 state may be licensed to practice in this state without examination if  
22 the secretary determines that the licensing standards of the other  
23 state are substantially equivalent to the licensing standards of this  
24 state.

25 NEW SECTION. **Sec. 12.** A person not licensed with the secretary to  
26 practice genetic counseling may not represent himself or herself as a  
27 "genetic counselor," "licensed genetic counselor," "gene counselor,"  
28 "genetic consultant," "genetic associate," or other letters, words,  
29 signs, numbers, or insignia indicating or implying that he or she is a  
30 genetic counselor.

31 NEW SECTION. **Sec. 13.** The uniform disciplinary act, chapter  
32 18.130 RCW, governs unlicensed practice, the issuance and denial of a

1 license, and the discipline of persons licensed under this chapter.  
2 The secretary shall be the disciplining authority under this chapter.

3 NEW SECTION. **Sec. 14.** Sections 1 through 13 of this act  
4 constitute a new chapter in Title 18 RCW.

5 **Sec. 15.** RCW 18.130.040 and 2004 c 38 s 2 are each amended to read  
6 as follows:

7 (1) This chapter applies only to the secretary and the boards and  
8 commissions having jurisdiction in relation to the professions licensed  
9 under the chapters specified in this section. This chapter does not  
10 apply to any business or profession not licensed under the chapters  
11 specified in this section.

12 (2)(a) The secretary has authority under this chapter in relation  
13 to the following professions:

14 (i) Dispensing opticians licensed and designated apprentices under  
15 chapter 18.34 RCW;

16 (ii) Naturopaths licensed under chapter 18.36A RCW;

17 (iii) Midwives licensed under chapter 18.50 RCW;

18 (iv) Ocularists licensed under chapter 18.55 RCW;

19 (v) Massage operators and businesses licensed under chapter 18.108  
20 RCW;

21 (vi) Dental hygienists licensed under chapter 18.29 RCW;

22 (vii) Acupuncturists licensed under chapter 18.06 RCW;

23 (viii) Radiologic technologists certified and X-ray technicians  
24 registered under chapter 18.84 RCW;

25 (ix) Respiratory care practitioners licensed under chapter 18.89  
26 RCW;

27 (x) Persons registered under chapter 18.19 RCW;

28 (xi) Persons licensed as mental health counselors, marriage and  
29 family therapists, and social workers under chapter 18.225 RCW;

30 (xii) Persons registered as nursing pool operators under chapter  
31 18.52C RCW;

32 (xiii) Nursing assistants registered or certified under chapter  
33 18.88A RCW;

34 (xiv) Health care assistants certified under chapter 18.135 RCW;

35 (xv) Dietitians and nutritionists certified under chapter 18.138  
36 RCW;

1 (xvi) Chemical dependency professionals certified under chapter  
2 18.205 RCW;

3 (xvii) Sex offender treatment providers and certified affiliate sex  
4 offender treatment providers certified under chapter 18.155 RCW;

5 (xviii) Persons licensed and certified under chapter 18.73 RCW or  
6 RCW 18.71.205;

7 (xix) Denturists licensed under chapter 18.30 RCW;

8 (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

9 (xxi) Surgical technologists registered under chapter 18.215 RCW;

10 (~~and~~)

11 (xxii) Recreational therapists; and

12 (xxiii) Genetic counselors licensed under chapter 18.-- RCW  
13 (sections 1 through 13 of this act).

14 (b) The boards and commissions having authority under this chapter  
15 are as follows:

16 (i) The podiatric medical board as established in chapter 18.22  
17 RCW;

18 (ii) The chiropractic quality assurance commission as established  
19 in chapter 18.25 RCW;

20 (iii) The dental quality assurance commission as established in  
21 chapter 18.32 RCW;

22 (iv) The board of hearing and speech as established in chapter  
23 18.35 RCW;

24 (v) The board of examiners for nursing home administrators as  
25 established in chapter 18.52 RCW;

26 (vi) The optometry board as established in chapter 18.54 RCW  
27 governing licenses issued under chapter 18.53 RCW;

28 (vii) The board of osteopathic medicine and surgery as established  
29 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
30 18.57A RCW;

31 (viii) The board of pharmacy as established in chapter 18.64 RCW  
32 governing licenses issued under chapters 18.64 and 18.64A RCW;

33 (ix) The medical quality assurance commission as established in  
34 chapter 18.71 RCW governing licenses and registrations issued under  
35 chapters 18.71 and 18.71A RCW;

36 (x) The board of physical therapy as established in chapter 18.74  
37 RCW;

1 (xi) The board of occupational therapy practice as established in  
2 chapter 18.59 RCW;

3 (xii) The nursing care quality assurance commission as established  
4 in chapter 18.79 RCW governing licenses and registrations issued under  
5 that chapter;

6 (xiii) The examining board of psychology and its disciplinary  
7 committee as established in chapter 18.83 RCW; and

8 (xiv) The veterinary board of governors as established in chapter  
9 18.92 RCW.

10 (3) In addition to the authority to discipline license holders, the  
11 disciplining authority has the authority to grant or deny licenses  
12 based on the conditions and criteria established in this chapter and  
13 the chapters specified in subsection (2) of this section. This chapter  
14 also governs any investigation, hearing, or proceeding relating to  
15 denial of licensure or issuance of a license conditioned on the  
16 applicant's compliance with an order entered pursuant to RCW 18.130.160  
17 by the disciplining authority.

18 (4) All disciplining authorities shall adopt procedures to ensure  
19 substantially consistent application of this chapter, the Uniform  
20 Disciplinary Act, among the disciplining authorities listed in  
21 subsection (2) of this section.

22 NEW SECTION. **Sec. 16.** This act takes effect August 1, 2008.

23 NEW SECTION. **Sec. 17.** The secretary of health may adopt such  
24 rules as authorized under section 2 of this act to ensure that this act  
25 is implemented on its effective date.

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